

DEED OF EASEMENT

This **PERMANENT SANITARY SEWER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT** is made and entered into this the 28 day of April, 2021, by and between **CLARENCE E. FRANKLIN, II, individually and as ADMINSTRATOR OF THE ESTATE OF CLARENCE E. FRANKLIN, deceased**, 3677 Niles Drive, Lexington, Kentucky 40517, which is the in-care of tax mailing address for the current year (hereinafter "Grantor"), and **LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**, 200 East Main Street, Lexington, Kentucky 40507, (hereinafter "Grantee").

WITNESSETH:

That for and in consideration of the sum of **TWO HUNDRED EIGHTY-FOUR DOLLARS AND 75/100 DOLLARS (\$284.75)**, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, said Grantor has **BARGAINED** and **SOLD** and does hereby **GIVE, GRANT** and **CONVEY** unto the Grantee, its successors and assigns, permanent right to excavate, grade, construct, alter, re-grade and perform related work for the purpose of sanitary sewer improvements and construction, installation and relocation through and across the following tract of land located in the confines of Lexington, Fayette County, Kentucky, depicted on the attached Exhibit "A", and more particularly described as follows, to wit:

Permanent Sanitary Sewer Easement
Southeastern Hills Trunk Sewer Improvement Project
(a portion of 3677 Niles Drive)

Return to:
Cynthia Cannon-Ferguson
LFUCG, Dept. of Law, 11th Floor
200 East Main Street
Lexington, KY 40507

All that strip or parcel of land situated on the south side of Niles Drive west of Crosby Drive in Lexington, Fayette County, Kentucky, and being more fully described and bounded as follows:

BEGINNING at a point in the southerly right of way line of Niles Drive, said point being a common corner between Lots 20 and 21, Block "A", as shown on the Amended Record Plat of Melody Village Subdivision, Unit One (Cabinet B, Slide 90);

Thence leaving the southerly right of way line of Niles Drive and with the westerly property line of Lot 21, S 22° 53' 42" W, 163.99 feet to the **TRUE POINT OF BEGINNING**;

Thence continuing with the westerly property line of Lot 21, S 22° 53' 42" W, 14.07 feet to a point;

Thence leaving the westerly property line of Lot 21, and with an existing 40-foot Sanitary, Storm, and Utility Easement line through the lands of Lot 20, N 83° 06' 18" W, 62.42 feet to a point in the easterly property line of Lot 18;

Thence continuing with the easterly property line of Lot 18, N 22° 53' 42" E, 13.48 feet to a point;

Thence leaving the easterly property line of Lot 18, and with a new permanent sanitary sewer easement line through the lands of Lot 20, S 83° 37' 44" E, 62.59 feet to the **TRUE POINT OF BEGINNING**; and,

The above-described parcel contains 826 square feet (0.019 Acres) of permanent easement; and

Being a portion of the property conveyed to (1) Anna E. Franklin, a single person (2) Clarence E. Franklin and Barbara J. Franklin, husband and wife, by Deed dated May 13, 1994, of record in Deed Book 1728, Page 291, in the Fayette County Clerk's Office. Said Anna E. Franklin, a single person, conveyed her interest in the property to Clarence E. Franklin and Barbara J. Franklin, husband and wife, by Quitclaim Deed, dated February 15, 1999, of record in Deed Book 2269, Page 574, in the Fayette County Clerk's Office. Said Barbara J. Franklin died intestate in December, 2013 vesting title to the property to her husband Clarence E. Franklin, by right-of-survivorship. Said Clarence E. Franklin

died intestate a resident of Lexington, Fayette County, Kentucky on December 26, 2017, his son, Clarence E. Franklin, II was appointed Administrator for the Estate of Clarence E. Franklin, on February 28, 2018, by Order of the Fayette District Court, Probate Division (18-P-00076).

FURTHER, for and in consideration of the sum hereinbefore mentioned, the receipt and sufficiency of which is hereby acknowledged, Grantor has **BARGAINED** and **SOLD** and does hereby **GIVE, GRANT** and **CONVEY** unto the Grantee, its successors and assigns, temporary right to excavate, grade, construct, alter, re-grade and perform related work for the purpose of sanitary sewer placement and construction, installation and relocation through and across the following tract of land located in the confines of Lexington, Fayette County, Kentucky, depicted on Exhibit "A" attached hereto, and more particularly described as follows:

Temporary Construction Easement
Southeastern Hills Trunk Sewer Improvement Project
(a portion of 3677 Niles Drive)

All that strip or parcel of land situated on the south side of Niles Drive west of Crosby Drive in Lexington, Fayette County, Kentucky, and being more fully described and bounded as follows:

BEGINNING at a point in the southerly right of way line of Niles Drive, said point being a common corner between Lots 20 and 21, Block "A", as shown on the Amended Record Plat of Melody Village Subdivision, Unit One (Cabinet B, Slide 90);

Thence leaving the southerly right of way line of Niles Drive and with the westerly property line of Lot 21, S 22° 53' 42" W, 153.56 feet to the **TRUE POINT OF BEGINNING**;

Thence continuing with the westerly property line of Lot 21, S 22° 53' 42" W, 10.43 feet to a point;

Thence leaving the westerly property line of Lot 21, and with a new permanent sanitary sewer easement line through the

lands of Lot 20, N 83° 37' 44" W, 62.59 feet to a point in the easterly property line of Lot 18;

Thence continuing with the easterly property line of Lot 18, N 22° 53' 42" E, 10.43 feet to a point;

Thence leaving the easterly property line of Lot 18, and with a new temporary construction easement line through the lands of Lot 20, S 83° 37' 44" E, 62.59 feet to the **TRUE POINT OF BEGINNING**; and,

The above-described parcel contains a total area of 626 square feet (0.014 Acres) of temporary construction easement;

Being a portion of the property conveyed to (1) Anna E. Franklin, a single person (2) Clarence E. Franklin and Barbara J. Franklin, husband and wife, by Deed dated May 13, 1994, of record in Deed Book 1728, Page 291, in the Fayette County Clerk's Office. Said Anna E. Franklin, a single person, conveyed her interest in the property to Clarence E. Franklin and Barbara J. Franklin, husband and wife, by Quitclaim Deed, dated February 15, 1999, of record in Deed Book 2269, Page 574, in the Fayette County Clerk's Office. Said Barbara J. Franklin died intestate in December, 2013 vesting title to the property to her husband Clarence E. Franklin, by right-of-survivorship. Said Clarence E. Franklin died intestate a resident of Lexington, Fayette County, Kentucky on December 26, 2017, his son, Clarence E. Franklin, II was appointed Administrator for the Estate of Clarence E. Franklin, on February 28, 2018, by Order of the Fayette District Court, Probate Division (18-P-00076).

TO HAVE AND TO HOLD the above-described easements together with all rights, appurtenances, and improvements thereunto belonging unto Grantee, its successors and assigns forever, for the purposes and uses herein designated.

The above-described temporary construction easement runs with the land for the duration of the improvement project and is binding upon the successors and assigns of the Grantor. The above-described permanent easement runs with the land in perpetuity

and is binding upon the successors and assigns of the Grantor. The temporary construction easement shall take effect upon the commencement of construction of the project and will expire upon completion of the project.

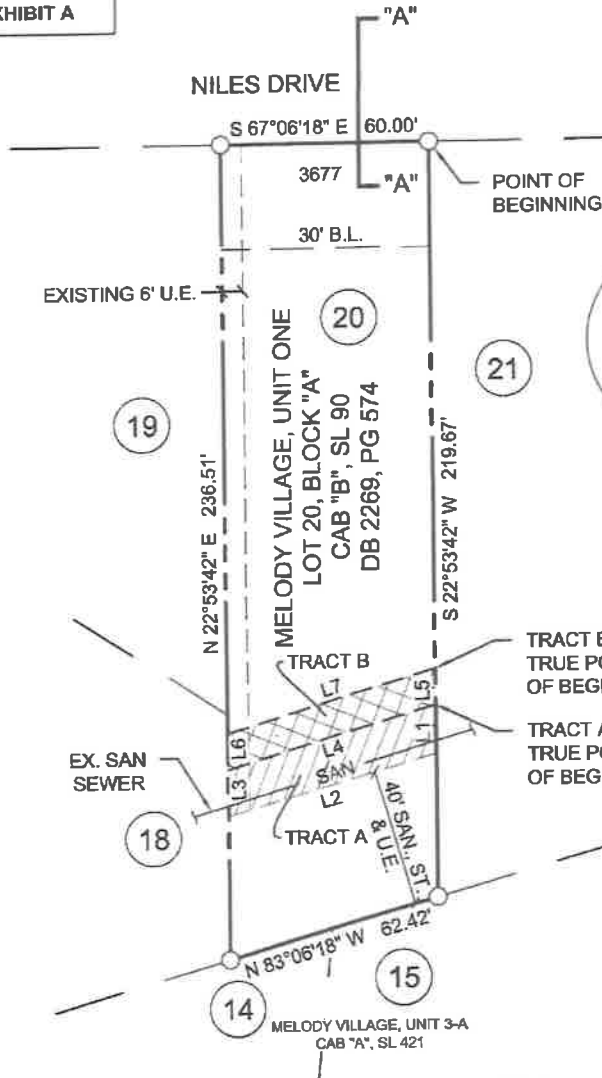
Grantor shall have the full right to use the surface of the land lying over said permanent easement for any purpose desired, provided such use will not interfere with the Grantee's free use of the easement herein granted and provided further that no building or structure shall be erected upon, across, over or through said permanent easement without prior written consent of the Grantee.

Grantor does hereby release and relinquish unto the Grantee, its successors and assigns forever, all of his right, title, and interest in and to the property to the extent of the interests conveyed herein, including all exemptions allowed by law, and do hereby covenant to and with the Grantee, its successors and assigns forever, that he is lawfully seized in fee simple of said property and has good right to sell and convey the easements as herein done, and that he will **WARRANT GENERALLY** said title.

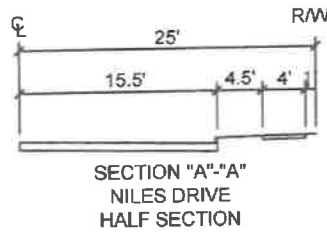
The obtaining of this easement was authorized by Resolution 456-2020, passed by the Lexington-Fayette Urban County Council on October 8, 2020. Pursuant to KRS 382.135(2)(a), this deed of easement, which pertains to a public utility, need not contain a statement of consideration.

IN TESTIMONY WHEREOF, the Grantor has signed this Deed of Easement, this the day and year first above written.

EXHIBIT A

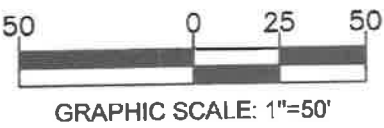


| EASEMENT LINE TABLE | | |
|---------------------|--------|---------------|
| LINE # | LENGTH | BEARING |
| L1 | 14.07' | S 22°53'42" W |
| L2 | 62.42' | N 83°06'18" W |
| L3 | 13.48' | N 22°53'42" E |
| L4 | 62.59' | S 83°37'44" E |
| L5 | 10.43' | S 22°53'42" W |
| L6 | 10.43' | N 22°53'42" E |
| L7 | 62.59' | S 83°37'44" E |



PERM. ESMT. AREA
826 SQ. FT. (0.019 AC)

TEMP. ESMT. AREA
626 SQ. FT. (0.014 AC)



- NOTES:**
1. THE PROPERTY BOUNDARIES AND EASEMENTS SHOWN HEREON ARE BASED ON THE RECORD DESCRIPTION (DEED BOOK 2269, PAGE 574) AND CORRESPONDING PLAT (CABINET B, SLIDE 90) OF RECORD IN THE FAYETTE COUNTY CLERK'S OFFICE. THE ORIGIN OF BEARINGS SHOWN HEREON ARE BASED IN THE NORTH AMERICAN DATUM OF 1983, STATE PLANE KENTUCKY NORTH AS OBSERVED FROM KYCORS STATION "KYTG" USING TRIMBLE R10, DUAL FREQUENCY RECEIVERS.
 2. THE PURPOSE OF THIS EXHIBIT IS TO DELINEATE A PROPOSED CONVEYANCE FOR A PERMANENT SANITARY SEWER EASEMENT AND A TEMPORARY CONSTRUCTION EASEMENT TO LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT.
 3. THIS INFORMATION DOES NOT CONSTITUTE A BOUNDARY SURVEY AND SHALL NOT BE USED FOR PURPOSES OF LAND TRANSFER.

SANITARY SEWER EASEMENT EXHIBIT
CLARENCE E & BARBARA J FRANKLIN
3677 NILES DRIVE
SOUTHEASTERN HILLS TRUNK RMP
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
LEXINGTON, KENTUCKY



FIGURE 1

AUGUST 2020

2B15.046

I, Donald W Blevins Jr, County Court Clerk
of Fayette County, Kentucky, hereby
certify that the foregoing instrument
has been duly recorded in my office.



By: PATTY DAVIS ,dc

202104300133

April 30, 2021

10:07:43 AM

| | | | |
|------|---------|-----|--------|
| Fees | \$56.00 | Tax | \$.00 |
|------|---------|-----|--------|

| | |
|------------|---------|
| Total Paid | \$56.00 |
|------------|---------|

THIS IS THE LAST PAGE OF THE DOCUMENT

8 Pages

688 - 695